

1979

c 92 The Crown Timber Amendment Act, 1979

Ontario

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Bibliographic Citation

The Crown Timber Amendment Act, 1979, SO 1979, c 92

Repository Citation

Ontario (1979) "c 92 The Crown Timber Amendment Act, 1979," *Ontario: Annual Statutes*: Vol. 1979, Article 94.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1979/iss1/94

CHAPTER 92

An Act to amend The Crown Timber Act

Assented to December 20th, 1979

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e* and *g* of section 1 of *The Crown Timber Act*, being chapter 102 of the Revised Statutes of Ontario, 1970, are <sup>s. 1 (e) (g),
re-enacted</sup> repealed and the following substituted therefor:

(*e*) "licence" means a document heretofore or hereafter granted that authorizes the cutting of Crown timber and, subject to subsection 3 of section 5*a*, includes an agreement entered into under subsection 1 of that section;

.

(*g*) "licensee" means a person,

- (i) to whom a licence has been granted,
- (ii) with whom the Minister has entered into an agreement under subsection 1 of section 5*a*,
- (iii) to whom a licence has been assigned with the consent of the Minister, or
- (iv) in whom a licence has become vested by operation of law.

2. Subsection 7 of section 2 of the said Act is repealed and the <sup>s. 2 (7),
re-enacted</sup> following substituted therefor:

(7) Notwithstanding subsection 1, the Minister may grant a licence to cut Crown timber at such prices and subject to such terms and conditions as he considers proper, if the licensed area does not exceed 160 acres. <sup>Licence where
licensed area
not more than
160 acres</sup>

s. 4,
re-enacted

3. Section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 23, section 1, is repealed and the following substituted therefor:

Crown
management
units

4. The Minister may designate any public lands and other lands on which trees are vested in Her Majesty in right of Ontario as a Crown management unit and, subject to the approval of the Lieutenant Governor in Council, may enter into agreement with any person for the supply of Crown timber to such person from such unit for such term of years and in such manner as they agree upon.

s. 5 (1),
re-enacted

4. Subsection 1 of section 5 of the said Act is repealed and the following substituted therefor:

Salvage
licences

(1) Where Crown timber that is not subject to a licence has been killed or damaged, the Minister may grant licences to permit the salvage of such timber and the cutting of any other Crown timber that in his opinion should in the interest of economic forest utilization be cut with such killed or damaged timber at such prices and subject to such terms and conditions as he considers proper.

s. 5a,
enacted

5. The said Act is amended by adding thereto the following section:

Authority to
enter into a
forest
management
agreement

5a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may enter into an agreement with any person for the management of Crown timber on a sustained yield basis and for carrying out all operations necessary for such management and, without restricting the generality of the foregoing, every such agreement shall set out,

- (a) the silvicultural specifications that are to be observed and performed in respect of the harvesting, regeneration and tending of the forest areas that are subject to the agreement; and
- (b) the standards of regeneration to be achieved on the forest areas that are subject to the agreement,

and may provide for,

- (c) the cutting of Crown timber and the prices therefor:
- (d) the cutting of killed or damaged Crown timber and any other Crown timber that in the Minister's opinion should in the interest of economic forest utilization be cut with such killed or damaged Crown timber subject to such

prices, if any, and to such terms and conditions as the Minister and such person may agree upon;

- (e) the construction, reconstruction and maintenance of any road necessary for such management and operations;
- (f) a reduction of the stumpage charges to be paid by such person for any increase in the volume of Crown timber that is cut and is the direct result of any silvicultural treatment applied at the expense of such person;
- (g) the preparation of plans, rules, reports and any other documents necessary for such management and operations; and
- (h) such other terms and conditions as the Minister and such person may agree upon that are not inconsistent with the regulations,

and, except in the case of a provision made under clause *d* or *f*, any such agreement shall be subject to the terms and conditions prescribed in the regulations.

(2) In subsection 1, the expression "sustained yield" means the growth of timber that a forest can produce and that can be cut to achieve a continuous approximate balance between growth of timber and timber cut. Meaning of "sustained yield"

(3) Subsections 2 and 3 of section 5, section 15*a*, clause *b* of section 18, sections 24, 25, 26 and 31 and clause *k* of subsection 1 of section 46 do not apply in respect of an agreement entered into under subsection 1. Certain sections do not apply to agreement

(4) If the Assembly is then in session, the Minister shall, Tabling

- (a) within five days after entering into an agreement under subsection 1 or an amending agreement, lay before the Assembly a copy of the agreement or amending agreement, as the case may be;
- (b) after the end of each year of an agreement entered into under subsection 1, lay before the Assembly a report in respect of the areas harvested, regenerated and tended under such agreement in the year that has ended; and
- (c) after the end of each term of five years of an agreement entered into under subsection 1, lay before the Assembly a report in respect of the relationship between the harvest and growth, including regeneration, of timber during the said term on the area subject to the agreement,

or, if the Assembly is not then in session, at the beginning of the next ensuing session.

s. 12,
re-enacted

6. Section 12 of the said Act is repealed and the following substituted therefor:

Express right
necessary to
cut on certain
lands

12.—(1) A licence does not confer any right to cut Crown timber on lands for which at the time the licence comes into force a patent, lease, licence of occupation, or permit has been issued, unless the right to so cut is expressly conferred by the licence.

No right to
cut on located
or sold lands
R.S.O. 1970,
c. 380

(2) A licence does not confer any right to cut Crown timber on unpatented lands that at the time the licence comes into force have been located or sold under *The Public Lands Act*.

s. 18,
amended

7. Section 18 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

Additional
powers

18. Notwithstanding any licence, the Minister may,

s. 26 (1),
re-enacted

8. Subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:

Cancellation
or variation of
licence, etc.

(1) Notwithstanding anything in any general or special Act or in any regulation or in any licence or in any management plan or operating plan, the Lieutenant Governor in Council,

(a) having regard to reasonable business requirements of the licensee, may cancel or vary any licence in respect of one or more parts of a licensed area or in respect of any type, size or species of timber designated by him; and

(b) with the consent of the licensee, may cancel or vary any term or condition of a licence.

s. 32 (1),
amended

9. Subsection 1 of section 32 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

Boards of
examiners,
appointment
and duties

(1) The Minister may in writing appoint boards of examiners, each consisting of three skilled persons, any two of whom form a quorum, whose duty is,

10. This Act comes into force on the day it receives Royal Assent. Commence-
ment
11. The short title of this Act is *The Crown Timber Amendment Act, 1979*. Short title

